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KRISTIN H. LEE
COMMISSIONER

September 20, 2002

STEPHEN G. OXLEY
SECRETARY AND CHIEF
COUNSEL
DAVID M. MOSIER
ADMINISTRATOR

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 - 12th Street, S.W.
Washington, DC 20554

Ms. Irene Flannery
Universal Service Administrative Company
2120 L Street N.W., Suite 600
Washington, D.C. 20037

RE: CERTIFICATION OF THE WYOMING PUBLIC SERVICE COMMISSION
THAT ALL FEDERAL HIGH-COST SUPPORT PROVIDED TO **NON-
RURAL CARRIERS** IN WYOMING IS USED ONLY FOR THE
PROVISION, MAINTENANCE, AND UPGRADING OF FACILITIES AND
SERVICES FOR WHICH THE SUPPORT IS INTENDED (**CC DOCKET
No. 96-45**)

Dear Ms. Dortch and Ms. Flannery:

The Wyoming Public Service Commission (WPSC) hereby submits, pursuant to 47.C.F.R. § 54.313, its annual certification to the Federal Communications Commission (FCC) and the Universal Service Administrative Company (USAC). 47 C.F.R. § 54.313 requires that the appropriate state regulatory authority annually certify those non-rural incumbent local exchange carriers and/or eligible telecommunications carriers serving lines in the service area of a non-rural incumbent local exchange carrier, within their jurisdiction, for purposes of receiving federal universal service fund support.

The WPSC has solicited from its jurisdictional non-rural incumbent local exchange carriers and/or eligible telecommunications carriers serving lines in the service area of a non-rural incumbent local exchange carrier, their respective affidavits that set forth the manner in which federal universal service support

funds have been used, and will be used during the applicable 12-month period for which support funds are being requested.

As the appropriate state regulatory authority with jurisdiction to regulate, *inter alia*, the intrastate activities of telecommunications companies serving in Wyoming, the Wyoming Public Service Commission hereby identifies **Qwest Corporation** as a non-rural incumbent local exchange carrier that is eligible for federal universal service fund support. Qwest Corporation represents and the WPSC, upon its own knowledge, certifies that the federal universal service funds received by Qwest are used as a bill credit on the bills of its high cost basic retail service customers, in assisting these customers in paying for essential telecommunications services. The cost of providing service, and maintaining and upgrading facilities are reflected in the rates established for basic retail service, which are then reduced through the use of the bill credit.

The WPSC has also previously designated **Silver Star Telephone Co., Inc.** as an eligible telecommunications carrier (ETC) as it relates to its provision of competitive local exchange services in the Afton, Wyoming exchange of Qwest Corporation. Silver Star has submitted information and its affidavit stating that it will use the federal universal service funds only for the provision, maintenance and upgrading of facilities for which the support is intended. The Commission therefore identifies and certifies **Silver Star Telephone Co., Inc.**, (Silver Star) as an eligible telecommunications carrier serving lines in the service area of a non-rural incumbent local exchange carrier.

Western Wireless Corporation (Western Wireless) has also submitted a written affidavit in which it states that federal universal service support funds will be used only for the provision, maintenance, and upgrading of facilities for which the support is intended and identifies those supported services as designated in 47 C.F.R. § 54.101, as services which are available throughout its designated service area. Attached is the affidavit of Gene DeJordy, the Vice President of Regulatory Affairs that sets forth his sworn representations on behalf of Western Wireless.

Western Wireless has been designated by the Federal Communications Commission (FCC) as an eligible telecommunications carrier (ETC), in certain designated service areas within the state of Wyoming. ETC status was granted to Western Wireless by the FCC, in light of the fact that the WPSC determined that it did not, at that time, have authority to regulate cellular technology or grant ETC status to wireless providers. The WPSC continues to be without authority to regulate the operations or rates of Western Wireless.

Although, the WPSC does not have direct authority over the rates of Western Wireless, the WPSC's prior certification and this current certification is being submitted on the basis of the FCC's language in paragraph 97 of its November 2, 1999 order in CC Docket No. 96-45, which states, in part:

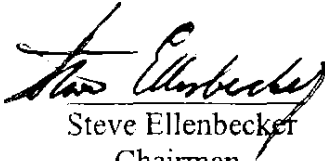
.. We believe, nonetheless, that states that lack direct authority over rates in their jurisdictions would still be able to certify to the Commission that a non-rural carrier in the state had accounted to the state commission for its receipt of federal support, and that such support has been used only for the provision, maintenance, and upgrading of facilities and services for which the support is intended. Indeed, in states with limited jurisdiction over carriers, the state need not initiate the certification process itself. Instead, in such states, non-rural LECs, and competitive eligible telecommunications carriers serving lines in the service area of a non-rural LEC, may formulate plans to ensure compliance with section 254(e), and present those plans to the state, so that the state may make the appropriate certification to the Commission ...

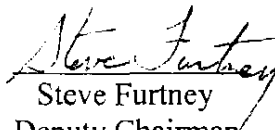
In addition, **Spectracom, Inc., d/b/a PYXIS Communications (PYXIS)**, has submitted its Declaration/Affidavit to the WPSC, stating that it will utilize federal universal service funds only for the provision, maintenance and upgrading of facilities for which the support is intended. PYXIS was recently granted **federal** ETC status for federal universal service fund support purposes by the WPSC, pursuant to recent authority granted under Wyoming law, in W.S. §37-15-502. Attached is the Declaration/Affidavit of Stephen Jantz, its General Manager, which sets forth his sworn representations on behalf of PYXIS.

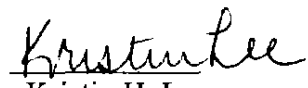
Although the WPSC now has authority under Wyoming law to grant ETC status for universal service fund purposes, the WPSC does not have jurisdiction under Wyoming law to regulate the rates of a commercial mobile radio service (CMRS) carrier, such as PYXIS. However, as noted above, the FCC does allow certification by a state commission for those non-rural LECs, and ETCs serving in the service area of a non-rural LEC, even though the state commission lacks direct rate regulatory authority over the carrier seeking federal USF support funds.

In conclusion, based upon the representations contained in the affidavits submitted by Qwest Corporation, Silver Star, Western Wireless, and Spectracom, Inc., d/b/a PYXIS Communications, and the Commission's general knowledge of the operations and facilities of Qwest Corporation and Silver Star, the Commission certifies that **Qwest Corporation (Study Area Code (SAC) 515108), Silver Star Telephone Co., Inc., (Study Area Code (SAC) 519001)**, in its capacity as an ETC serving the Afton, Wyoming exchange, **Western Wireless Corporation (no Study Area Code)** and **Spectracom Inc., d/b/a PYXIS Communications (No Study Area Code)** will only use the federal universal service support funds for the provision, maintenance, and upgrading of facilities and services for which the support is intended, consistent with § 254(e) of the federal Telecommunications Act of 1996. The affidavits of Qwest Corporation and Silver Star Telephone Co., Inc. will be made available to the FCC and/or USAC upon request.

Sincerely,


Steve Ellenbecker
Chairman


Steve Furtney
Deputy Chairman


Kristin H. Lee
Commissioner

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**DESIGNATION OF COMMON CARRIERS)
AS ELIGIBLE TELECOMMUNICATIONS)
CARRIERS (ETC) TO RECEIVE FEDERAL)
UNIVERSAL SERVICE FUNDS PURSUANT)
TO THE FEDERAL COMMUNICATIONS)
COMMISSION'S FOURTEENTH REPORT)
AND ORDER ADOPTING A STATE)
CERTIFICATION PROCESS)**

WYOMING

SEP 11 2002

PUBLIC SERVICE Public Service Commission
Wyoming
COMMISSION

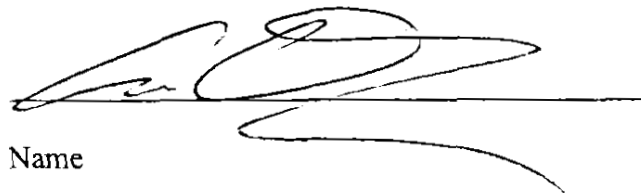
**STATE OF WASHINGTON
COUNTY OF KING**

BEFORE ME, the undersigned authority, on this day personally appeared Gene DeJordy of WWC Holding Co. Inc., a subsidiary of Western Wireless Corporation ("Western Wireless"), who on his oath deposed and said:


1. My name is Gene DeJordy. I am employed by Western Wireless in the position of Vice President of Regulatory Affairs. In this position, I am personally familiar with the Federal Universal Service support received by Western Wireless and how the Company uses these funds.
2. Western Wireless was designated as an Eligible Telecommunications Carrier by the Federal Communications Commission in Docket No. 96-45 on December 26, 2000.
3. The Federal Universal Service support funds received by Western Wireless, to the extent any are applied for and received, will be used only for the provision, maintenance, and upgrading of facilities for which the support is intended, as designated by the Federal Communications Commission consistent with Section 254(e) of the Federal Telecommunications Act. These funds will be used to provide the following supported services as designated in 47 C.F.R. § 54.101 which are available throughout Western Wireless' designated service area.

- (a) voice grade access to the public switched network;
- (b) local usage;
- (c) dual tone multi frequency signaling, or its functional equivalent;
- (d) single party service, or its functional equivalent;
- (e) access to emergency services, including 911 and enhanced 911 service;
- (f) access to operator services;
- (g) access to interexchange service;
- (h) access to directory assistance;
- (i) toll blocking for qualifying low income customers; and
- (j) toll control for qualifying low-income customers.

3. The matters addressed above are within my personal knowledge and are true and correct.


Name

SWORN TO AND SUBSCRIBED BEFORE ME, the undersigned authority, on
this the 10th day of September, 2002.


Notary Public

State of Washington

SEAL



DECLARATION OF STEPHEN JANTZ

1. My name is Stephen Jantz. I am the General Manager for SpectraCom, Inc, dba PYXIS Communications. My business address is 130 South 9th Street, Worland, Wyoming 82401, and my business telephone number is (307) 347-7770.

2. SpectraCom, Inc., dba PYXIS Communications ("PYXIS" or "Company"), is a commercial mobile radio service ("CMRS") carrier that is not subject to rate and entry regulation by the Commission pursuant to Section 332(c)(3) of the Telecommunications Act as well as the Wyoming Telecommunications Act of 1995. PYXIS was recently designated as an eligible telecommunications carrier ("ETC") in portions of the state of Wyoming, for purposes of receiving federal universal service support.

3. Section 254(e) of the Communications Act, 47 U.S.C. § 254(e), provides that ETCs receiving universal service funding must "use that support only for the provision, maintenance, and upgrading of facilities and services for which the support is intended." To implement this provision, the FCC adopted a rule providing that an ETC may receive certain types of federal universal service funding only if the state commission files a certification that all federal high-cost support provided to the carrier will be used as required in Section 254(e). 47 C.F.R. § 54.313. The FCC has stated that carriers that are not subject to rate regulation by state commissions "may formulate plans to ensure compliance with Section 254(e), and present those plans to the state, so that the state may make the appropriate certification to the Commission." *Federal-State Joint Board on Universal Service*, Ninth Report and Order and Eighteenth Order on Reconsideration, 14 FCC Rcd 20432, ¶ 97 (1999).

4 As PYXIS has only recently received its ETC designation, it has not yet reported lines for its universal service offering in Wyoming. The Company does anticipate that it will report lines for its universal service offering within the coming calendar year for the purpose of receiving federal high-cost support.

5 As certified herein, PYXIS will utilize all federal high-cost universal service support that it will receive in its designated ETC service area in Wyoming only for the provision, maintenance, and upgrading of facilities and services for which the support is intended:

First, PYXIS will use federal high-cost universal service funds to provide affordable universal service. PYXIS intends to offer several local service options in providing service to its customers. These services may range from \$19.99 per month to a maximum of \$120.00 per month and include different options for local service, expanded calling areas, and custom calling features.


Second, PYXIS will use federal high-cost universal service funds to support the deployment of the facilities used to offer the supported universal service. PYXIS provides fixed wireless service using the same cell sites, towers, transmitters, receivers, mobile switching offices, and other network facilities that it currently uses to provide conventional wireless service, with one important exception: the wireless local loop ("WLL") units used to provide the service. The WLL units represent a significant added cost to PYXIS. The Company will use federal high-cost universal service support to help defray the cost of these units and in providing this service.

Third, PYXIS will use federal high-cost universal service funds to support the upgrading and maintenance of the network facilities to the extent necessary to provide the supported service. As noted above, PYXIS will provide local universal services using the same

wireless network facilities, including PCS sites, towers, transmitters, receivers, mobile switching offices, and other network facilities that it uses to provide conventional wireless service.

6 All of the federal high-cost universal service funds that PYXIS receives will be used to support one or more of the programs described above. Accordingly, PYXIS is in compliance with 47 U.S.C. § 254(e), and the Commission should file a certification letter to that effect pursuant to 47 C.F.R. § 54.313.

I declare under penalty of perjury that the foregoing is true and correct.

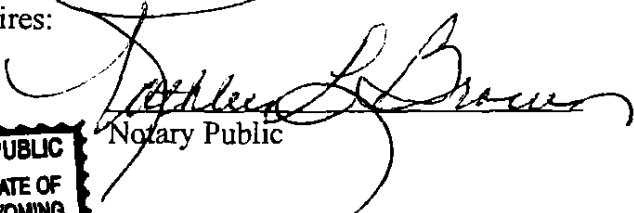


Stephen Jantz
General Manager
PYXIS Communications

STATE OF Wyoming)
) ss.
COUNTY OF Laramie)

Subscribed, sworn to and acknowledged before me, a Notary Public, by Stephen Jantz, General Manager of PYXIS Communications this 5th day of Sept., 2002.

My Commission Expires:



Notary Public

